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DEC 20 2006

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
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WESTERN DISTRICT OF TEXAS

GOVERNMENT EXHIBIT	
CASE NO. DR-06-CR-817(3)	
EXHIBIT NO. 1A	

DEL RIO DIVISION

UNITED STATES OF AMERICA

v.

NINFA SILVA LEAL.

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Cause No. DR-06-CR-817 (3)
Government's Appendix "1A"

FACTUAL BASIS IN SUPPORT OF PLEA AGREEMENT

As part and parcel of this Agreement, the United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant, Defendant, and Defense counsel, hereby stipulate if this matter were to proceed to trial, the United States would establish by legal and competent evidence the following facts beyond a reasonable doubt:

On June 22, 2006, the Texas Department of Public Safety responded to a motor vehicle accident on Ranch Road 334 in Kinney County, Texas, approximately 17 miles north of Brackettville, Texas. Upon the troopers arrival he discovered a white in color 2003 Chevrolet 1500 4 x 4 pickup, bearing Texas LP # 7PHC69, on its top on the side of the roadway but the occupants of the pickup had fled the scene. An attempt to locate the occupant(s) was unsuccessful. The trooper also discovered several bundles wrapped in brown tape and several bales of hay scattered along the side of the road. The bundles wrapped in brown tape were found to contain approximately 267.85 kilograms of marijuana.

Border Patrol Agent Ruben Villanueva working Ranch Road 334 advised he observed the pickup prior to the accident, and he did not recognize the pickup to belong in the area. Agent

Villanueva advised he had noticed that the pickup was carrying several bales of hay, which were arranged in a disarray manner, and were observed to be riding high. Agent Villanueva stated he had attempted to run a registration check on the pickup, but before he could turn around the pickup had left him behind. Agent Villanueva continued traveling east, until which time he came upon a pickup rolled over on its top, in which he recognized the pickup to be the same one he had observed earlier. Agent Villanueva stated that he observed a total of 17 bundles of what appeared to be marijuana and several bales of hay scattered along the roadside. Agent Villanueva advised that occupant(s) of the pickup had absconded prior to his arrival.

It was later learned that two male subjects had approached a residence located approximately 1/4 mile away from the scene of the accident and had asked to use a phone. The two subjects advised the resident, who was identified as Mr. Buck Thompson, that their vehicle had broken down. One of the subjects later stated to Mr. Thompson that they had been involved in an accident. While Mr. Thompson was outside the residence, Mrs. Thompson received a phone call from phone number (830) 469-9481, and the female, Ninfa Silva Leal, caller requested to speak to "Chino". Ninfa Silva Leal advised Mrs. Thompson that "Chino" is her husband, and that he is the shorter of the two. Mr. Thompson described each subject as having a thin build, short hair, and a dark complexion. Mr. Thompson described one of the subjects as wearing a dark colored shirt, shorts, and clean white tennis shoes. The other subject was described as wearing a dark colored shirt, pants, and clean shoes. Mr. Thompson ended by stating that both subjects noticed a deputy sheriff approaching the property, at which point both subjects fled the area into a thick, brushy area.

Ninfa Silva Leal is the wife of Vincente Leal Jr. Ninfa Silva Leal was contacted by Leal Jr. after Leal Jr. and Adrian Hernandez flipped over the white 2003 Chevrolet pickup truck that was

carrying the marijuana. Ninfa Silva Leal participated in this conspiracy when she assisted in picking up and providing her husband, Vincente Leal Jr. and Adrian Hernandez a ride after Leal Jr. and Hernandez flipped the white Chevrolet pickup truck and were avoiding detection from law enforcement. Ninfa Silva Leal knew that Hernandez and Leal, Jr. were involved with the transportation of Marijuana before the accident and actively took a role in assisting with transporting the marijuana and assisting with any problems associated to the transportation of the marijuana.

On June 22, 2006, at approximately 2100 hours, Julio Garcia Jr., who is the registered owner of the pickup, reported his pickup stolen with Val Verde County Deputy Sheriff Ramiro Reyes. Garcia advised Deputy Reyes that a male subject, who he only knew as Vicente (LNU) had borrowed his pickup the night before after a night of drinking at a local night club. Garcia stated that Vicente was supposed to return the pickup the following day, but had not yet returned the pickup. Garcia described his pickup as a 2003 white in color Chevrolet 4 x 4 crew cab.

On June 23, 2006 at approximately 12:44 am, Border Patrol agents stopped a 2000 blue in color Ford Expedition bearing Texas LP # 4HRM91, which was being operated by Vicente Leal. Mr. Leal was stopped approximately 1 mile past the scene of the accident. Mr. Leal advised the agents that he had received a call from his daughter-in-law, who is identified as Ninfa Leal, that his son Vicente Leal Jr. had been involved in an accident somewhere outside of Brackettville, Texas.

On June 23, 2006 at 1514 hours, during a Post-Miranda videotaped interview, Garcia admitted that he had been offered \$2000 U.S. currency by a male subject, known to him as Vicente (LNU), for the use of his pickup. Garcia stated he was aware that his pickup was going to be utilized to conduct an illegal activity. Garcia was advised he was instructed by Vicente to report his pickup stolen if anything went wrong. Garcia advised that at approximately 1830 hour he received a phone

call from an unknown caller, who advised him to report the pickup stolen. Garcia described Vicente as being a short Hispanic male, thin build, short hair, and as having a dark complexion. Garcia also stated that Vicente had tattoos around his neck area.

Upon further investigation of the case, it was discovered that Vicente Arellano Aldaco III, the Defendant, participated in this conspiracy to transport, possess, and distribute this marijuana by driving as a scout vehicle for the pickup truck being driven by Vicente Leal Jr., along with passenger Adrian Hernandez that contained over 100 kilograms of marijuana. Vicente Arellano Aldaco III's primary job was to watch the roadway for any police or law enforcement officers and provide warning of any law enforcement to Leal Jr. and Hernandez.

The Defendant knowingly and willfully agreed with VICENTE LEAL, JR., ARELLANO ALDACO III, LEAL, JULIO GARCIA JR., AND ADRIAN HERNANDEZ to possess marijuana, a Schedule I controlled substance, with the intent to distribute, and with the specific intent to violate the law, in violation of Title 21 U.S.C. §§ 841(a)(1) & (b)(1)(B) and 846.

Respectfully submitted,
JOHNNY SUTTON
United States Attorney

for

By:


JEREMY S. SIBERT

Assistant United States Attorney


After consulting with my attorney, and pursuant to the Plea Agreement entered into this day between myself and the United States, I hereby stipulate the above Statement of Facts is true and accurate, and had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

Signed this 19th day of Dec., 2006

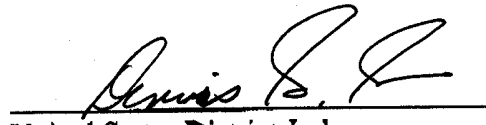

NINFA SILVA LEAL.
Defendant

I am Defendant's Attorney. I have carefully reviewed the above Statement of Facts with the Defendant. To my knowledge, Defendant's decision to stipulate to these facts is informed and voluntary.

Signed this 19th day of Dec., 2006


JAVIER RIOJAS
Defendant's Attorney

Adopted and Approved this 20 day of December, 2006


United States District Judge
Dennis B. F.